

REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed February 20, 2004. Applicant respectfully requests reconsideration and favorable action in this case.

OBJECTIONS TO THE DRAWINGS 37 CFR 1.83(a)

The drawings are objected to under 37 CFR 1.83(a). The examiner states that the drawings fail to show a means for adjusting the length of the carrying straps. The applicant respectfully submits that a proposed drawings correction is attached, wherein a length-adjusting device 22 is clearly shown in Figure 2. The applicant respectfully submits that no new matter is added with this drawing correction, as a length adjustment device is identified on page 9, line 13 and the first paragraph on page 10, as amended.

Therefore, the applicant respectfully requests that the examiner withdraw his objections to the drawings under 37 CFR 1.83(a).

REJECTIONS UNDER 35 U.S.C. § 112

Claims 2 and 9 stand rejected under USC § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as an invention. The examiner states: "In both claims 2 and 9, it is unclear to what the at least one carrying strap is detachably joined."

The applicant respectfully submits that claims 2 and 9 have been amended to more clearly state that a number of carrying straps are detachably gathered by a handle to form a single lifting point. This handle is depicted as item 5 within Figures 1 – 10. Therefore, the applicant respectfully requests that the examiner withdraw his objections to claims 2 and 9 under 35 USC § 112.

REJECTIONS UNDER 35 U.S.C. § 102

Claims 1, 2, 7, 8 and 13 stand rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 3,923,222 issued to Groves. The examiner states that Groves discloses a device

for carrying an object that comprises: a cradle; at least one carrying strap a cradle; at least one carrying strap attached to opposing ends of the cradle and forming a lifting point, at least one retaining strap, wherein at least one carrying strap is detachably joined to form a single lifting point to the same degree claimed, and that the device, when empty, folds into a compact configuration.

The applicant respectfully submits that Groves, et al. fails to disclose a cradle as taught in the present invention. The present invention utilizes a continuous cradle along substantially all of an object's bottom side to substantially distribute support of a large and relatively flat objects, such as newsprint pad or picture frame (Application No. 10/5,057,604, Figures 10 and 11; and Paragraphs 39-41), across most of the object's span to prevent sagging or deformation of the object being carried. (Application No. 10/5,057,604, Paragraphs 27 – 28) This can clearly be distinguished from Groves wherein a single strap 18 is sewn to form a bottom support. This bottom support as shown in Figures 1 and 2 of Groves is not continuous along the bottom of the object and fails to distribute support of the object over substantially all of the objects bottom surface. Thus Groves fails to teach a continuous cradle to substantially support all of an object's bottom side and evenly distribute that support. Groves merely teaches that a bottom strap 18 is present to provide non-continuous support along the bottom of the object to be carried.

The applicant further respectfully submits that Groves fails to teach the carrying strap attached to opposite ends of the cradle to form a lifting point as shown in figures 1 and 2 of Groves. Flexible strip material 14 is merely attached to bottom support 18. A single lifting point is not created in Groves as the multiple loops of strips 14 are not gathered together to form a single lifting point with a handle as specifically claimed. Rather these loops of strip 14 form multiple lifting points in Groves. Further, Groves fails to teach that the carrying straps may be detachably gathered by a handle to form a single lifting point as claimed in dependent claims 2 and 9.

Claims 1, 2, 4-12, 14, 15, and 17-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,505,353 issued to Marsh. The examiner states that Marsh discloses a device for carrying an object that comprises a cradle, at least one carrying strip attached to opposite ends of the cradle and forming a lifting point, at least one restraining strap, and a means for adjusting the length of at least one carrying strap as well as a means for adjusting the length of at least one restraining strap, that there are two restraining straps one

located near the cradle and when empty the device is capable of being folded into a compact configuration to the same degree claimed. The applicant respectfully submits that Marsh failed to teach a continuous cradle along substantially all of an object's bottom with which to distribute the support of the object. The claimed invention employs a continuous cradle made from a flexible pliable material with which to distribute the support of the object to be carried along substantially all of the bottom of the object when the object is lifted. The applicant respectfully submits that Figure 6 of Marsh merely provides an strap (un-numbered in the Figures) with which to retain the object to be carried. Figure 6 fails to show a continuous cradle along substantially all of the bottom of an object to be carried. As shown in Figure 6, a receptacle for a cylindrical container merely provides a single strap across the diameter of the container wherein support of the object distributed over the bottom of the object is not present.

Further amended Claim 2 claims that the carrying straps are detachably gathered by a handle to support a single lifting point. The applicant respectfully submits that carrying strap 94 of marsh is a single carrying strap which is not gathered by a handle to form a lifting point. Thus one can clearly distinguish a claimed invention from that taught by Marsh.

Therefore, the applicant respectfully requests that the examiner withdraw his objections to 1, 2, 4-15, and 17-20 under 35 USC § 102.

REJECTIONS UNDER 35 U.S.C. § 103

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Groves in view of Smithey. The examiner states that Groves discloses all the limitations of the claim except that the device comprising a handle at the lifting point. However, Smithey teaches a handle on the carrying straps. It would have been obvious to attach the handle of Smithey on the carrying straps of Groves. Doing so would provide additional reinforcement of the carrying straps.

The applicant respectfully submits that Groves, et al. fails to disclose a cradle as claimed in the present invention. As previously stated, the claimed invention utilizes a continuous cradle along substantially all of an object's bottom side to substantially distribute support of the object being carried across most of the object's span to prevent sagging or deformation of the object being carried. (Application No. 10/5,057,604, Paragraphs 27 – 28) This can clearly be

distinguished from Groves wherein a single strap 18 is sewn to form a bottom support. This bottom support as shown in Figures 1 and 2 of Groves is not continuous along the bottom of the object and fails to distribute support of the object over substantially all of the objects bottom surface. Thus Groves fails to teach a continuous cradle to substantially support all of an object's bottom side and evenly distribute that support. Groves, et al. merely teaches that a bottom strap 18 is present to provide non-continuous support along the bottom of the object to be carried.

As Groves fails to teach a device for carrying an object with a continuous cradle operable to distribute support of the object substantially along the bottom surface of the object. This continuous cradle is not taught in Smithey which merely provides a decorative book strap. Smithey provides no indication as to the utility of the handle used to gather carrying straps. Thus one would not reach the claimed invention that has a continuous cradle to support the carried object with carrying straps attached to opposing ends of the cradle that form a single lifting point, from the teachings of Groves and Smithey alone or in combination.

Claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Groves in view of Marsh. Additionally, Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Groves in view of Marsh and Smithey. The examiner states that Groves discloses all the limitations of the claimant except the plurality of restraining straps. However, Marsh teaches a system having a plurality of restraining straps (98, 100). The examiner further states it would have been obvious to provide the additional restraining straps to the system of Groves as taught by Marsh.

The applicant respectfully submits that Groves and marsh both fail to disclose a cradle as claimed in the present invention. As previously stated, the claimed invention utilizes a continuous cradle along substantially all of an object's bottom side to substantially distribute support of the object being carried across most of the object's span to prevent sagging or deformation of the object being carried. (Application No. 10/5,057,604, Paragraphs 27 – 28) This can clearly be distinguished from Groves wherein a single strap 18 is sewn to form a bottom support. This bottom support as shown in Figures 1 and 2 of Groves or in Figure 6 of Marsh is not continuous along the bottom of the object and fails to distribute support of the object over substantially all of the objects bottom surface. Thus Groves and Marsh fail to teach a continuous cradle to substantially support all of an object's bottom side and evenly distribute that support.

Groves and Marsh merely teach that a bottom strap is present to provide non-continuous support along the bottom of the object to be carried.

As Groves and Marsh fail to teach a device for carrying an object with a continuous cradle operable to distribute support of the object substantially along the bottom surface of the object. This continuous cradle is not taught in Smithey which merely provides a decorative book strap. Smithey provides no indication as to the utility of the handle used to gather carrying straps. Thus one would not reach the claimed invention that has a continuous cradle to support the carried object with carrying straps attached to opposing ends of the cradle that form a single lifting point, from the teachings of Groves and Smithey alone or in combination.

Therefore, the applicant respectfully requests that the examiner withdraw his objections to 3, 14 and 16 under 35 USC § 103.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1-20.

Should the Examiner have any questions or desire clarification of any sort, the Examiner is invited to telephone the undersigned at the number listed below. Please reference Attorney Docket No. 1050.P001US.

While Applicants believe no fee is due with the transmission of this Information Disclosure Statement, if any fees are due, the Commissioner is hereby authorized to charge Deposit Account No. 50-2240 of Koestner Bertani, LLP.

Respectfully submitted,

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